

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DANIEL ZAK,

Plaintiff,

v.

FIVE TIER, INC.

Defendant.

Case No.: 20-CV-9375(GBD)(SLC)

**DEFAULT JUDGMENT**

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This action was commenced on November 9, 2020, by the filing of the Summons and Complaint (Doc. #1). A copy of the summons and complaint was served on Defendant Five Tier, Inc. ("Five Tier") on June 11, 2021, by personally serving Nancy Dougherty, Business Document Specialist of the Secretary of State of the State of New York. Proof of service of the summons and complaint was filed on August 25, 2022 (Doc. # 26).

On October 13, 2022, Plaintiff filed its First Amended Complaint, (Doc. # 39). The amended summons was issued on October 14, 2022 (Doc. # 42). A copy of the amended summons and Plaintiff's First Amended Complaint was served on Defendant Five Tier on October 24, 2022, through certified mail, placed into the exclusive care and custody of the United States Postal Service within the State of New York. Proof of service of the amended summons and Plaintiff's First Amended Complaint was filed on October 24, 2022 (Doc. # 43). A copy of the amended summons and Plaintiff's First Amended Complaint was also served on Defendant Five Tier on November 2, 2022, by personally serving Nancy Dougherty, Business Document Specialist of the Secretary of State of the State of New York, and proof of service thereof was filed on November 14, 2022 (Doc. #44).

On December 5, 2022, the Clerk of this Court certified the default of Defendant Five Tier. (Doc. #48).

On January 4, 2023, Plaintiff filed a motion for default judgment (Doc. ##51-53; 56; 60-61), which Hon. Judge Daniels granted and referred to Judge Sarah Cave for an inquest on damages, prejudgment interest, costs, and attorney fees (Doc.# 63).

Per this Court's order, on April 17, 2023, Plaintiff filed the damages submission. (Doc.#72).

On December 14, 2023, Hon. Judge Cave issued an Order and Recommendation in favor of Plaintiff and against Defendant in the following amounts: (1) unpaid wages under the NYLL in the amount of \$15,750.00; (2) liquidated damages in the amount of 15,750.00; (3) prejudgment interest calculated at a rate of nine percent on the amount of \$15,750 from August 17, 2019 until the date of entry of judgment; (4) post judgment interest calculated pursuant to 28 U.S.C.§1961; (5) attorneys' fees in the amount of \$28,511.30; and (6) litigation costs in the amount of \$889.53. (Doc. #74).

On August 6, 2024, this Court approved Hon. Judge Cave's Report and Recommendation. (Doc. # 75).

The Defendant having failed to appear or otherwise respond to the First Amended Complaint, it is ORDERED, ADJUDGED AND DECREED: That Plaintiff is awarded judgment against Defendant Five Tier, Inc.

That Plaintiff is awarded unpaid wages in the amount of \$ 15,750.00.

That Plaintiff is awarded liquidated damages in the amount of \$15,750.00

That Plaintiff is awarded prejudgment interest calculated at a rate of nine (9) percent on the amount of \$15,750.00 from August 17, 2019, until the date of entry of judgment.

That Plaintiff is awarded post-judgment interest calculated pursuant to 28 U.S.C. § 1961.

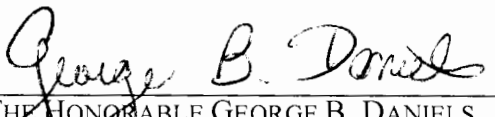
That Plaintiff is awarded attorney's fees in the amount of \$28,511.30.

That Plaintiff is awarded a disbursement of reasonable costs and expenses in the amount of \$889.53.

That if any amounts remain unpaid upon the expiration of ninety (90) days following issuance of judgment, or ninety (90) days after expiration of the time to appeal and no appeal is then pending, whichever is later, the total amount of the judgment shall automatically increase by fifteen percent (15%), as required by NYLL § 198(4).

Dated: New York, New York

September 26 2024

  
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THE HONORABLE GEORGE B. DANIELS  
UNITED STATES DISTRICT JUDGE

This document was entered on the docket on

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